HOUSE RESEARCH ORGANIZATION • TEXAS HOUSE OF REPRESENTATIVES
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HOUSE RESEARCH ORGANIZATION

daily floor report

Tuesday, May 02, 2017
85th Legislature, Number 61
The House convenes at 10 a.m.
Part Four

Sixty-nine bills are on the daily calendar for second-reading consideration today. The bills analyzed or digested in Part Four of today's *Daily Floor Report* are listed on the following page.

Dwayne Bohac
Chairman
85(R) - 61

HOUSE RESEARCH ORGANIZATION

Daily Floor Report

Tuesday, May 02, 2017

85th Legislature, Number 61

Part 4

SUBJECT: Prohibiting localities from imposing certain fees on new construction

COMMITTEE: Ways and Means — committee substitute recommended

VOTE: 8 ayes — Y. Davis, Bohac, Darby, Murr, Raymond, Shine, Springer, Stephenson

0 nays

3 absent — D. Bonnen, E. Johnson, Murphy

WITNESSES: For —Justin MacDonald, Hill Country Builders Association; Gerry Poe, KB Home; Scott Norman, Texas Association of Builders; Dana Ambs; Mike Dishberger; Leland Freeman; Frank Harren; (*Registered, but did not testify*: Michael Chatron, AGC Texas Building Branch; Trey Lary, Allen Boone Humphries Robinson LLP; Tim Jackson, Dallas Builders Association; Bradley Pepper, Greater Houston Builders Association; Carol Baker and Emily Lubbers, Home Builders Association of Greater Austin; Jim Short, Houston Real Estate Council; Joshua Sanders, Houstonians for Responsible Growth; Stephen Scurlock, Independent Bankers Association of Texas; Blanca Laborde, Commercial Real Estate Development Association, The Real Estate Council-Dallas; Annie Spilman, National Federation of Independent Business-Texas; Josiah Neeley, R Street Institute; Chelsy Hutchison, Real Estate Council of San Antonio; Howard Cohen, Schwartz, Page & Harding, L.L.P.; Bobby Bowling, Frank Jackson, and Todd Kercheval, Texas Affiliation of Affordable Housing Providers; Daniel Gonzalez, Texas Association of Realtors; Stephanie Simpson, Texas Association of Manufacturers; Julia Parenteau, Texas Association of Realtors; Robert Braziel, Texas Automobile Dealers Association; John Heasley, Texas Bankers Association; Crystal Ford, Texas Building Owners and Managers Association; John Colyandro, Texas Conservative Coalition; Traci Kelley, Texas Institute of Building Design; Shea Place, Texas Land Title Association; DJ Pendleton, Texas Manufactured Housing Association; Olivia Chriss, Texas Restaurant Association; George Kelemen, Texas Retailers Association; Rick McGuire, West Texas Home Builders Association; and nine individuals)

Against — Charlie Duncan, Texas Low Income Housing Information Service; Arthur Carpenter; Ed Wendler; (*Registered, but did not testify*: Brie Franco, City of Austin; TJ Patterson, City of Fort Worth; Shanna Igo, Texas Municipal League; Joseph Green, Travis County Commissioners Court)

DIGEST:

CSHB 1449 would prohibit localities from adopting or enforcing a fee on new construction to offset the cost or rent of any residential housing.

The bill would not apply to density bonus programs involving zoning waivers or the voluntary provision of affordable housing or other defined public benefit.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2017. The bill would not apply to agreements relating to the provision of subsidized housing entered into before the bill's effective date.

SUPPORTERS SAY:

CSHB 1449 would prevent localities from imposing short-sighted and counterproductive fees on new construction. Although no Texas city currently imposes linkage fees, they would drive up the price of housing and reduce the supply of new homes. According to estimates from the National Association of Home Builders, for every $1,000 increase in median new home price in Texas, more than 13,000 households are priced out of the market. These fees, which are a de facto tax and directly increase the price of new construction, exacerbate the shortage of affordable housing seen in several Texas cities.

While opponents contend that linkage fees are a way to collect revenue from a broad cross-section of the market, these fees actually skew the market by only taxing new entrants. A home built after a linkage fee is enacted would suddenly cost more than an identical home next door. This merely drives up the valuation of existing homes, increasing their property tax burden, and disconnects the value of homes from their actual cost to build.

The state imposes many restrictions on the ability of localities to collect revenue, like property tax and sales tax rate caps, so this would not be an unreasonable infringement on local control. Linkage fees in cities in other states have shown a disturbing trend of starting low and quickly rising to a stifling level. In any case, local control is a means to more effective government, not an end in and of itself.

Finally, localities with shortages of affordable housing typically have many alternatives to reduce the cost of housing. They could expedite permits and zoning, reduce fees, or simply spend more money on affordable housing from other revenue sources. Localities do not need to be allowed to levy a counterproductive fee.

OPPONENTS SAY:

CSHB 1449 would be an unnecessary infringement on local control, prohibiting cities from collecting revenue that is necessary to fund affordable housing. Linkage fees are not counterproductive, and they do not impede economic development as they are low and broadly applicable across all forms of new construction. They also are easier to administer than alternatives and provide more market certainty than density bonuses, which are optional and on a case-by-case basis.

In any case, it should be left to cities to decide the best way to fund affordable housing. The state should not intervene to address policies that have a strictly local effect on the municipality,

The bill would take away one of the only viable revenue sources for affordable housing. Linkage fees are used in many high-growth cities and have proven more effective than other alternatives. Moreover, affordable housing assistance programs -- both on the state and federal level -- are facing cuts to an already insufficient level of funding. Voluntary programs like density bonus programs are ineffective because developers usually merely choose to pay a fee or not participate in the program at all, rather than provide affordable housing.

NOTES:

A companion bill, SB 852 by Nelson, was referred to the Senate Business and Commerce Committee on February 27.

SUBJECT: Modifying qualifications for service as a grand juror

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 7 ayes — Moody, Hunter, Canales, Gervin-Hawkins, Hefner, Lang, Wilson

0 nays

WITNESSES: For — Patti Henry, County and District Clerks' Association of Texas; (*Registered, but did not testify*: Tiana Sanford, Montgomery County District Attorney's Office; Nanette Forbes, Texas Association of Counties; Justin Wood, Travis County District Attorney; Thomas Parkinson)

Against — None

On — (*Registered, but did not testify*: Shannon Edmonds, Texas District and County Attorneys Association (TDCAA))

BACKGROUND: Code of Criminal Procedure, ch. 19 relates to the selection and qualifications for service as a grand juror.

Concerns have been raised about whether current law ensures that a sufficient number of prospective grand jurors are called to create an adequate jury pool and whether there is confusion about the juror questionnaire.

DIGEST: HB 2286 would change the number of prospective grand jurors required to be summoned from a range of 20 to 125 to a number that the district judge considered necessary to ensure an adequate number of jurors.

The bill would specify that a person selected to serve as a grand juror had to be at least 18 years old, a citizen of the United States, a resident of Texas, and qualified to vote in the county where the grand jury was sitting, regardless of voter registration status, in addition to other existing criteria.

A person could be excused from grand jury service if the person were responsible for the care of a child younger than 12 years old, down from 18 years old in current law, if the jury service would leave the child without adequate supervision.

The bill would take effect September 1, 2017, and would apply to a grand jury impaneled on or after that date.

SUBJECT: Defining when a membership initiation deposit is not abandoned property

COMMITTEE: Business and Industry — committee substitute recommended

VOTE: 7 ayes — Oliveira, Shine, Collier, Romero, Stickland, Villalba, Workman

WITNESSES: For — Eric Affeldt, ClubCorp; Gib Lewis, TARO; (*Registered, but did not testify*: Michael Geary, Texas Conservative Coalition; Brian Sullivan, Texas Hotel & Lodging Association)

Against — (*Registered, but did not testify*: John Kroll, Audit Services)

BACKGROUND: Property Code, sec. 72.101 requires that personal property be presumed abandoned if the location of the property's owner is unknown to the property holder for more than three years and a claim to the property has not been made or an act of ownership has not been exercised.

Property Code, sec. 74.301 requires that any abandoned property held on March 1 be delivered to the comptroller on or before the following July 1 with a report on the property.

DIGEST: CSHB 2650 would establish that a membership initiation deposit not be presumed abandoned if the member forfeited the deposit under the terms of an agreement between the member and the business that sold the membership, or if the business included the deposit as discharge of indebtedness income on its federal income tax return.

The bill would define "membership initiation deposit" as an amount of money paid to join a club membership program operated by a business that provided a member access to or the use of entertainment, recreation, sports, dining, or social facilities and other related real property.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2017.

SUPPORTERS SAY: CSHB 2650 would offer technical clarification to reflect the status of

membership initiation deposits as taxable income and to allow businesses to disburse them more efficiently to their owners.

Deposit classification. The bill would offer clarification on membership initiation deposits, which are different from other deposits. Membership initiation deposits are taxable, and businesses must pay federal income and state franchise tax on them the day they become claimable by their owners. These deposits also are not held in escrow accounts and instead serve a continuing purpose as working capital of the business that holds them. The bill offers clarification that would allow businesses to retain the deposits as working capital while they remain unclaimed, which would incentivize these businesses to invest in the state's economy.

Disbursements to individuals. The bill would maintain the traditional role of the state in respecting private contracts between individuals and businesses without government intervention. Agreements that govern membership initiation deposits allow members to claim a deposit at the time it becomes claimable or any time thereafter. This form of agreement is consistent across companies that use membership initiation deposits and does not prevent the property owner from claiming his or her property.

Disbursements to the comptroller. By adjusting the classification of membership initiation deposits to not have to be disbursed to the state comptroller, the bill would allow businesses holding the deposits to more effectively honor deposit agreements and disburse deposits to members who claimed them. It would enable a business to retain unclaimed deposits as working capital to improve the fiscal health of the business and community. Members of clubs that use membership initiation deposits often want their clubs to be able to benefit from unclaimed deposit funds rather than send them off to the comptroller. Some members forego claiming deposits so the club may benefit.

Although businesses may not be legally required to advertise abandoned property like the comptroller, they are best positioned to return deposits to their owners. The purpose of the comptroller account holding abandoned property is not to supply general revenue but to serve as an account to retain abandoned funds. Finally, businesses holding these deposits already contribute to federal and state government revenue by paying federal

income tax and state franchise tax on the deposit amounts.

Related business services. Although some businesses generate revenue by connecting unclaimed deposits with owners, this is immaterial in the case of membership initiation deposits because they are a different form of deposit that is taxable and functions as working capital and should be classified differently.

OPPONENTS SAY:

CSHB 2650 would redefine when membership initiation deposits were considered abandoned property to allow certain businesses to avoid their obligation to disburse the deposits to their owners or to the comptroller.

Deposit classification. The bill would differentiate membership initiation deposits from other forms of deposits, such as utility deposits, but there is no reason to treat them differently. Both represent a sum paid to a business that is claimable after a certain period of time and should be treated accordingly under the law.

Disbursements to individuals. The bill would prevent individuals from claiming their deposits if a business had already discharged the deposit debt and paid income taxes on it. This would deprive individuals of their property, often valued in the thousands of dollars, and their contractual rights under membership initiation deposit agreements. Although some membership deposit agreements may allow the deposit to be claimed indefinitely, this may not be universal and the bill could allow other forms of agreements to abuse the law and deprive people of their property.

Disbursements to the comptroller. The bill would allow a business to avoid eschewing an abandoned property deposit to the state comptroller, which holds property in perpetuity for owners to claim, by not classifying membership initiation deposits as "abandoned." The state comptroller is the most responsible holder of abandoned property, as it is not at risk of business failure, unlike those businesses which would continue to hold unclaimed membership initiation deposits under the bill.

The comptroller already serves the purpose of reuniting owners with their abandoned property and advertises to facilitate this, something businesses would not be required to do.

Finally, the abandoned property held by the state comptroller account is used as general revenue and it is estimated that the bill would allow certain businesses to avoid disbursing hundreds of millions of dollars of unclaimed deposits to the account.

Related business services. The bill would eliminate opportunities for certain other businesses to connect property owners with their abandoned property and subsequently claim a "finder's fee." This form of business arrangement is mutually beneficial and provides a service that benefits the general public, as it provides businesses a form of income and helps individuals to claim property that belongs to them.

NOTES:

According to the Legislature Budget Board, the bill could result in an undetermined loss to the General Revenue Fund depending on the number and value of membership initiation deposits which no longer would be presumed abandoned and remitted to the state.

SUBJECT: Requiring schools to notify law enforcement of abuse and neglect

COMMITTEE: Public Education — favorable, without amendment

VOTE: 11 ayes — Huberty, Bernal, Allen, Bohac, Deshotel, Dutton, Gooden, K. King, Koop, Meyer, VanDeaver

0 nays

WITNESSES: For — John Correu; (*Registered, but did not testify*: Chris Masey, Coalition of Texans with Disabilities; Kyle Ward, Texas PTA)

Against — None

On — Mark Wiggins, Association of Texas Professional Educators; Steven Aleman, Disability Rights Texas; (*Registered, but did not testify*: Richard Zimmerman, Department of Family and Protective Services; Kara Belew, Eric Marin, and Von Byer, Texas Education Agency)

BACKGROUND: Education Code, sec. 38.004(a) requires the Texas Education Agency to develop a policy requiring school districts and charter schools to report child abuse or neglect, including child trafficking, to the Department of Family and Protective Services as required by Family Code, ch. 261.

DIGEST: HB 2205 would require a school district or open-enrollment charter school to make a report of child abuse or neglect to both the Department of Family and Protective Services and a local or state law enforcement agency.

The bill would take effect on September 1, 2017.

SUPPORTERS SAY: HB 2205 would require school employees to notify law enforcement immediately of suspected child abuse or neglect, allowing a more immediate response to life-threatening situations. The current requirement to report suspected abuse to the Department of Family and Protective Services can result in a case being prioritized in a way that might not require a response for up to 72 hours. Law enforcement agencies have

resources to respond immediately and remove a child from an abusive environment.

OPPONENTS SAY:

HB 2205 would be duplicative of existing Family Code requirements that teachers notify law enforcement or the Department of Family and Protective Services (DFPS) of child abuse or neglect. In addition, the bill could result in schools reporting situations to law enforcement as retaliation against parents involved in a dispute with the school. Such unfounded reports have occurred in the past, and the bill could subject parents to involvement with police as well as DFPS.

SUBJECT: Nonsubstantive revision of parts of the Code of Criminal Procedure

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 6 ayes — Moody, Canales, Gervin-Hawkins, Hefner, Lang, Wilson

0 nays

1 absent — Hunter

WITNESSES: For — None

Against — None

On — Shannon Edmonds, Texas District and County Attorneys Association (TDCAA); Jessica Connaughton, Texas Legislative Council

BACKGROUND: The 83rd Legislature's Select Committee on Criminal Procedure recommended that parts of the Code of Criminal Procedure undergo nonsubstantive revisions each legislative session. The Texas Legislative Council performs this function, authorized under Government Code, sec. 323.007, revising Texas statutes periodically to make them more accessible, understandable, and usable without altering their sense, meaning, or effect. As part of this process, the Legislative Council reclassifies and rearranges statutes in a more logical order; employs a numbering system and format that will accommodate future expansion of the law; and eliminates repealed, invalid, and duplicative provisions.

DIGEST: HB 2931 would make nonsubstantive revisions to parts of the Code of Criminal Procedure.

The bill would revise Code of Criminal Procedure, art. 18.20 on the detection, interception, and use of wire, oral, or electronic communications and art. 18.21 on pen registers and trap and trace devices, access to stored communications, and mobile tracking devices. These articles would be placed into two new chapters, Chapter 18A: Detection, Interception, and Use of Wire, Oral, and Electronic Communications

and Chapter 18B: Installation and Use of Tracking Equipment; Access to Communications. Articles 18.20 and 18.21 would be repealed.

The bill also would revise ch. 60 on the criminal history record system and ch. 61 on the compilation of information on criminal combinations and criminal street gangs. These chapters would be placed into new chapters called Chapter 66: Criminal History Record System and Chapter 67: Compilation of Information Pertaining to Combinations and Criminal Street Gangs. Chapters 60 and 61 would be repealed.

HB 2931 would make conforming changes to other laws.

The bill would take effect April 1, 2019.

NOTES: A companion bill, SB 1856 by Whitmire, was referred to the Senate Committee on Criminal Justice on March 23.

SUBJECT: Capping, repairing, or plugging abandoned or deteriorated water wells

COMMITTEE: Natural Resources — committee substitute recommended

VOTE: 10 ayes — Larson, Phelan, Ashby, Frank, Kacal, T. King, Lucio, Nevárez, Price, Workman

0 nays

1 absent — Burns

WITNESSES: For — David Mauk, Bandera County River Authority and Groundwater District; Gregory Ellis, Bandera County River Authority and Groundwater District, Gonzales County UWCD, and other clients of the firm; Sarah Schlessinger, Texas Alliance of Groundwater Districts; (*Registered, but did not testify*: Heather Harward, Brazos Valley GCD; Gavin Massingill, Edwards Aquifer Authority; Charles Flatten, Hill Country Alliance; Tom Glass, League of Independent Voters; C.E. Williams, Panhandle Groundwater District; Leah Adams, Panola County Groundwater Conservation District; Jim Conkwright, Prairielands Groundwater Conservation District; Ty Embrey, Real Edwards Conservation and Reclamation District; Christopher Mullins, Sierra Club; Robert Turner, Sutton County UWCD; Brian Sledge, Upper Trinity GCD, Prairielands GCD; Vanessa Escobar)

Against — None

On — Martha Landwehr, Texas Chemical Council; (*Registered, but did not testify*: Lee Parham, Texas Department of Licensing and Regulation)

BACKGROUND: Occupations Code, sec. 1901.255 requires landowners or persons with an abandoned or deteriorated well to plug or cap the well within 180 days of learning of the well's condition. A deteriorated well is one that, because of its condition, is likely to cause pollution of any water in the state, including groundwater. An abandoned well is one that is not in use.

Water Code, sec. 36.118 allows a groundwater conservation district to

require an owner or lessee of land with an open or uncovered well to keep the well permanently closed or capped with a covering capable of sustaining weight of at least 400 pounds, except when the well is in actual use. If the owner or lessee fails to comply, the district may go on the land to close or cap the well. Any reasonable expenses incurred in doing so constitutes a lien on the land.

Concerns have been raised that the number of open, uncovered, abandoned, or deteriorated water wells in Texas is increasing, creating the potential for economic and environmental harms.

DIGEST:

CSHB 3025 would distinguish between requirements for addressing abandoned wells and deteriorated wells. A landowner or person with a deteriorated well would be required to plug or repair, rather than plug or cap, the well within 180 days of learning of its condition.

Groundwater conservation districts could require the owner or lessee of land to permanently close or cap an abandoned well. All open, uncovered, or abandoned wells would have to be closed or capped with a heavy covering that was not easily removed. Districts no longer could go on the land to close or cap wells but could go on the land to repair and plug them. Reasonable expenses for repairing and plugging would constitute a lien on the land.

Districts would have to require owners or lessees of land with a deteriorated well to plug or repair it sufficiently to prevent pollution of water, including groundwater. Within 10 days of the owner or lessee receiving notice of this requirement from the district, a person or entity employed by the district could go on the land and repair or plug the well. Any reasonable expenses incurred for repairing and plugging the well would constitute a lien on the land.

Employees of the Bandera County River Authority and Groundwater District could cap an open, uncovered, or abandoned well, or repair or plug a deteriorated well, if they received training on how to complete these tasks for a well located in a karst topographic area. The employee would not have to have a license to perform these actions.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2017.

SUBJECT: Allowing a motion for forensic DNA testing of certain evidence

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 7 ayes — Moody, Hunter, Canales, Gervin-Hawkins, Hefner, Lang, Wilson

0 nays

WITNESSES: For — (*Registered, but did not testify*: John Hubbard and Ian Randolph, Ami Gordon; Chas Moore, Austin Justice Coalition; Shea Place, Texas Criminal Defense Lawyers Association; Amanda Marzullo, Texas Defender Service; Marc Levin, Texas Public Policy Foundation, Thomas Parkinson)

Against — None

On — Brady Mills, Texas Department of Public Safety - Crime Laboratory Service

BACKGROUND: Writs of habeas corpus are a way to challenge the legality of a criminal conviction or the process that resulted in a conviction or sentence.

Code of Criminal Procedure, ch. 11 establishes procedures for applying for writs of habeas corpus in non-death penalty felony convictions, in death penalty cases, and in felony and misdemeanor cases in which a person was sentenced to community supervision. If a convicted person was not granted relief in an initial application, a court may not consider the merits of a subsequent application, except in certain circumstances.

Art. 64.01 allows a convicted person to file a motion for forensic DNA testing of evidence that had not been previously tested during the trial or, although previously tested, can be subjected to new tests that provide a reasonable likelihood of more accurate and probative results.

Art. 64.03 requires a court to order forensic DNA testing if:

- the evidence is in a condition that makes testing possible and has been subjected to sufficient chain of custody;
- identity was an issue in the case; and
- the convicted person establishes by a preponderance of the evidence that the person would not have been convicted if exculpatory results had been obtained through DNA testing and the request is not made to delay the execution of sentence.

The testing may be done by the Department of Public Safety, a lab under contract with the department, or other certain accredited labs.

Concerns have been raised about improper examination of DNA samples that served as key evidence in certain violent crime cases. As a result, prosecutors have notified defendants that their cases may be eligible for review.

DIGEST:

HB 3872 would allow courts to grant relief on an application for a writ of habeas corpus that contained specific facts indicating that:

- the convicted person previously filed a motion for forensic DNA testing of biological evidence that was denied; and
- had the evidence not been presented at the trial, on the preponderance of the evidence the person would not have been convicted.

If a convicted person was not granted relief based on an application for a writ of habeas corpus, the person could submit a subsequent application if the Texas Forensic Science Commission determined that the evidence considered in the initial application was subject to faulty DNA testing practices.

The bill would allow a convicted person to file a motion for forensic DNA testing of previously tested evidence if it was tested:

- at a laboratory that ceased conducting DNA testing after an audit by the Texas Forensic Science Commission revealed the laboratory engaged in faulty testing practices; and

- during the period identified in the audit as involving faulty testing practices.

The convicting court would be required to order the requested DNA testing to be done regardless of whether the convicted person established by a preponderance of the evidence that the person would not have been convicted if exculpatory results had been obtained through DNA testing.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2017.

SUBJECT: Reporting information related to day care and child-to-caregiver ratios

COMMITTEE: Human Services — committee substitute recommended

VOTE: 8 ayes — Raymond, Frank, Keough, Miller, Minjarez, Rose, Swanson, Wu

1 nay — Klick

WITNESSES: For — Carol Shattuck, Collaborative for Children; Melanie Rubin, Dallas Early Education Alliance; Diane Ewing, Texans Care for Children; Kimberly Kofron, Texas Association for the Education of Young Children; (*Registered, but did not testify*: Jason Sabo, Children at Risk; Laura Guerra-Cardus, Children's Defense Fund - Texas; Ellen Stein, Collaborative for Children; John R. Pitts, Commit! Dallas, Early Matters Dallas, United Way Dallas; Will Francis, National Association of Social Workers - Texas Chapter; Stephanie Rubin, Texans Care for Children; Kathryn Freeman, Texas Baptists Christian Life Commission; Sarah Crockett, Texas CASA; Joshua Houston, Texas Impact; Ryan Van Ramshorst, Texas Pediatric Society; Dimple Patel, TexProtects; Margaret Johnson, the League of Women Voters; James Thurston, United Ways of Texas)

Against — None

On — (*Registered, but did not testify*: Rickie Lafon, Texas Licensed Child Care Association; Jean Shaw, the Department of Family and Protective Services)

DIGEST: CSHB 3788 would require the Department of Family and Protective Services to collect data during each monitoring inspection of a licensed day-care center the department conducted between March 1, 2018, and May 31, 2018, using existing resources. The data would be for each group of children four years old or younger who were assigned to a specific caregiver or group of caregivers in a classroom or in a space within a larger room at a day-care center, and would include:

- the age of the children in the group as determined by the formula provided in DFPS' minimum standards for child-care centers;
- the number of children in the group; and
- the number of caregivers supervising the children in the group.

The bill would require DFPS to collect the following information from the same licensed day-care centers:

- the licensed day-care center's program capacity;
- the number of confirmed serious injuries and fatalities for children four years of age and younger that occurred at the day-care center between September 1, 2017, and August 31, 2018, aggregated by the age of the injured or deceased child;
- the number of investigations the department conducted at the day-center center between September 1, 2017, and August 31, 2018, involving a child who was four years of age or younger that were assigned the highest or second-highest priority, aggregated by the age of the youngest affected child; and
- the total number of violations that the department found at the day-care center during the aforementioned investigations.

By January 1, 2019, the HHSC executive commissioner would use the data collected under CSHB 3788 to determine whether to modify the standards related to child-to-caregiver ratios and group sizes. In determining whether to modify the standards, the executive commissioner would compare licensed day-care centers that met the child-to-caregiver ratios and group size requirements with licensed day-care centers that had lower child-to-caregiver ratios. The executive commissioner would recommend appropriate adjustments to standards related to ratios or group sizes if the data showed that day-care centers that met the minimum child-to-caregiver ratios and group size requirements had a rate that was 10 percent or higher than day-care centers with lower child-to-caregiver ratios of confirmed serious injuries, confirmed child fatalities, or DFPS investigations that were assigned the highest or second-highest priority.

The bill would require DFPS to use existing resources to provide an annual report to the Legislature that included certain categories of the data

that DFPS collected, as specified in the bill. The report also would include the priority assigned to the investigation conducted by DFPS in response to an incident that resulted in a serious injury or child fatality.

By June 30, 2018, DFPS would make the collected data on child age, child group size, and the number of supervising caregivers available on request to community agencies and higher education institutions. The other collected data also would be made available on request.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2017.

SUPPORTERS SAY:

CSHB 3788 would provide state agencies with the necessary data on child-to-caregiver ratios and group sizes to help ensure children were in safe early learning environments in the state. The University of Texas at Austin and other organizations could analyze the collected data at no cost to the state. Texas allows higher child-to-caregiver ratios in state-licensed child care facilities than many states, and studies elsewhere have found that lowering ratios reduces the risk of death and serious injury for children in these facilities.

The bill would not require the Health and Human Services Commission (HHSC) executive commissioner to change child-to-caregiver ratios now or in the future. The bill simply would make data available on whether higher or lower child-to-caregiver ratios in licensed day-care centers were related to serious injury, maltreatment, or death for a child. Parents place their children with state-licensed child care facilities and need the information and confidence to know that their children would be safe in these facilities. The bill would help provide that information.

OPPONENTS SAY:

The data collected by CSHB 3788 could be used to require stricter child-to-caregiver ratios for state-licensed child care facilities, which would force facilities to hire more staff and increase the cost of these facilities for parents. If state-licensed child care facilities became unaffordable, the bill could lead to parents using dangerous or unregulated day-care centers.

NOTES:

A companion bill, SB 2164 by Zaffirini, was considered in public hearing

of the Senate Committee on Health and Human Services on April 26 and left pending.

SUBJECT: Expanding uses of the floodplain management account

COMMITTEE: Natural Resources — favorable, without amendment

VOTE: 9 ayes — Larson, Phelan, Ashby, Burns, Frank, T. King, Nevárez, Price, Workman

0 nays

2 absent — Kacal, Lucio

WITNESSES: For — (*Registered, but did not testify*: Jesse Ozuna, Mayor's Office, City of Houston; Myron Hess, National Wildlife Federation; Christopher Mullins, Sierra Club; Randy Chelette; Ron Suchecki)

Against — None

On — (*Registered, but did not testify*: Robert Martinez, Texas Commission on Environmental Quality; Robert Mace, Texas Water Development Board)

BACKGROUND: Water Code, sec. 16.3161 created the floodplain management account as a special fund in the state treasury outside the general revenue fund. The fund is composed of money appropriated to the Texas Water Development Board (TWDB), gifts or grants, and the first $3.05 million of insurance maintenance taxes collected each fiscal year. The board may use the account to aid, advise, and coordinate the efforts of local governments seeking to qualify for the National Flood Insurance Program.

Some observers support giving TWDB more discretion over its floodplain management account, which may be used only for insurance purposes, and expanding uses of the account to include flood-mitigation practices and related activities.

DIGEST: HB 3746 would authorize the Texas Water Development Board (TWDB) to use the floodplain management account to fund any activities related to:

- the collection and analysis of flood-related information;
- flood planning, protection, mitigation, or adaptation; or
- educational or outreach programs providing flood-related information.

The bill would take effect September 1, 2017.

NOTES:

A companion bill, SB 1538 by Watson, was approved by the Senate on April 19.

SUBJECT: Modifying TWC reporting requirements for subsidized child care

COMMITTEE: Economic and Small Business Development — committee substitute recommended

VOTE: 8 ayes — Button, Vo, Bailes, Hinojosa, Leach, Metcalf, Ortega, Villalba

0 nays

1 absent — Deshotel

WITNESSES: For — Shay Everitt, Children At Risk; Melanie Rubin, Dallas Early Education Alliance; Cynthia Pearson, Day Nursery of Abilene; (*Registered, but did not testify*: Megan Herring, Commit Dallas, Early Matters Dallas; Grace Chimene, League of Women Voters of Texas; Sara Sachde, Setting the Foundation; Diane Ewing, Texans Care for Children; James Thurston, United Ways of Texas)

Against — (*Registered, but did not testify*: Jim Baxa)

On — Patricia Gonzalez, Texas Workforce Commission

BACKGROUND: Labor Code, sec. 302.0043 requires the Texas Workforce Commission (TWC) to compile and periodically analyze information to measure and evaluate the effectiveness of its subsidized child care program. The commission is required to make this information available to local workforce development boards and produce a biennial report to the Legislature with employment information about parents receiving subsidized care.

Sec. 302.0042 requires the commission to annually evaluate the formulas it uses to distribute federal child care development funds to local workforce development boards. This evaluation must include analysis of:

- the current use of federal funds by each local board;
- the ability of each local board to meet child care performance measures; and

- each local workforce development area's average cost of child care, poverty rate, number of children on waiting lists for child care, and number of vacancies available for child care placement.

Sec. 302.00435 requires the commission to develop a policy to obtain and implement input from interested parties regarding its subsidized child care program.

Government Code, sec. 2308.3155 establishes the Texas Rising Star Program as a voluntary, quality-based rating system of child care providers participating in the commission's subsidized child care program.

Interested parties suggest a need to ensure that state-subsidized child care programs operate with accountability and transparency, as well as further develop interagency coordination efforts and cooperation with private entities.

DIGEST:

CSHB 3323 would modify the Texas Workforce Commission's reporting requirements relating to the subsidized child care program.

Program report. The bill would require the Texas Workforce Commission (TWC) to include in its periodic report on the effectiveness of its subsidized child care program an analysis of its efforts to:

- improve prekindergarten program quality, in coordination with the Texas Education Agency (TEA), school districts, and open-enrollment charter schools;
- facilitate enrollment in and advancement through the Texas Rising Star Program;
- increase coordination between participating providers, school districts, and open-enrollment charter schools;
- develop and implement rates and payments which allow providers to offer high quality care and ensure the commission meets its statutorily required performance measures; and
- assign a Public Education Information Management System number to children younger than six enrolled in the program, in coordination with TEA.

The bill would require TWC to include these findings in its biennial report to the Legislature and make this information available to school districts, open-enrollment charter schools, and the public.

Formula evaluation. The bill would modify the information TWC is required to include in its annual evaluation of its formulas used to distribute federal child care development funds to local workforce development boards. This evaluation would have to include certain data on the cost of child care, number of Rising Star providers rated 2-star or above, number of total providers, and number of enrolled subsidized children.

The bill would remove the requirement that TWC report on the average cost of child care in each development area and the number of vacant slots available for child care placement in each development area.

Input policy. The bill would require TWC's public input policy to include methods to obtain input from TEA, school districts, open-enrollment charter schools, subsidized child care providers, relevant businesses, and the public. These entities would have to be consulted about improving coordination between subsidized child care programs and prekindergarten programs, as well as increasing the quality of and access to subsidized child care programs.

The bill would take effect September 1, 2017.

NOTES:

A companion bill, SB 940 by Campbell, was reported favorably from the Senate Health and Human Services committee on April 27.

SUBJECT: Allowing people with certain licenses to work at a vehicle storage facility

COMMITTEE: Licensing and Administrative Procedures — favorable, without amendment

VOTE: 7 ayes — Kuempel, Frullo, Geren, Goldman, Herrero, Paddie, S. Thompson

0 nays

2 absent — Guillen, Hernandez

WITNESSES: For — (*Registered, but did not testify*: Todd Johnston, Apple Towing; Lisa Truitt, Auto Data Direct; Rhonda Hight, Edd's Towing; Andy Chesney, Euless Wrecker Service; Tommy Anderson, Gary Hoffman, and Joann Messina, Southwest Tow Operators; Jeanette Rash and Ken W. Ulmer, Texas Towing and Storage Association; Thomas Parkinson)

Against — None

On — (*Registered, but did not testify*: Brian Francis, Texas Department of Licensing and Regulation)

BACKGROUND: Occupations Code, sec. 2303.1015 requires a person working at a vehicle storage facility to hold a vehicle storage facility license issued by the Texas Department of Licensing and Regulation.

Some have suggested that individuals with other related licenses be able to work at vehicle storage facilities.

DIGEST: HB 2615 would require that a person working at a vehicle storage facility hold a vehicle storage facility license or one of the following:

- an incident management towing operator's license;
- a private property towing operator's license; or
- a consent towing operator's license.

HB 2615 would amend sections of the Occupations Code governing these licenses to stipulate that a person holding one could work at a vehicle storage facility.

The bill would repeal provisions governing the vehicle storage facility employee and towing operator dual license, which would expire upon the issuance of a towing license listed above.

The bill would take effect September 1, 2017.

SUBJECT: Outlawing music piracy on a digital storage device; providing restitution

COMMITTEE: Business and Industry — favorable, without amendment

VOTE: 4 ayes — Shine, Collier, Villalba, Workman

2 nays — Romero, Stickland

1 absent — Oliveira

WITNESSES: For — Luis Linares, Recording Industry Association of America; (*Registered, but did not testify*: Jerry Valdez, Recording Industry Association of America)

Against — None

BACKGROUND: Business and Commerce Code, sec. 641.051 defines the knowing reproduction, sale, transportation, advertisement, or possession for sale of any recording for financial gain without the consent of the owner as an offense. This offense is punishable by:

- confinement in county jail for up to a year and/or a fine up to $25,000 for an offense involving 100 recordings or fewer;
- imprisonment for up to two years and/or a fine up to $250,000 for an offense involving more than 100 but fewer than 1,000 recordings over 180 days; or
- imprisonment for up to five years and/or a fine up to $250,000 for an offense involving at least 1,000 recordings over 180 days or a previous conviction.

Sec. 641.001 defines "recording" to mean a tangible medium on which sounds, images, or both are recorded, including a phonograph record, disc, tape, audio or video cassette, wire, film, or other medium.

Sec. 641.054 defines the knowing advertisement, sale, or possession for sale of a recording that does not clearly disclose the name and address of the manufacturer and the name of the performer or group as an offense.

This offense is punishable by:

- confinement in county jail for up to a year and/or a fine up to $25,000 for an offense involving seven or fewer recordings;
- imprisonment for up to two years and/or a fine up to $250,000 for an offense involving more than seven but fewer than 65 recordings over 180 days; or
- imprisonment for up to five years and/or a fine up to $250,000 for an offense involving at least 65 recordings over 180 days or a previous conviction.

DIGEST:

HB 2483 would amend the definition of "recording" in the Business and Commerce Code, sec. 641.001 to include a memory card, flash drive, hard drive, or data storage device on which sounds, images, or both are recorded.

The bill would require a court convicting a person of an improper labeling offense to order restitution to the owner or lawful producer of the recording who had suffered financial loss as a result of the offense. Restitution ordered would have to be the greater of the sum wholesale value of the unauthorized recordings or the actual financial loss to the owner, producer, or trade association. Restitution also would have to include the costs associated with investigating the offense. For these purposes, possession of an unauthorized recording intended for sale would constitute an actual financial loss.

The bill also would require those convicted of an unauthorized recording felony under Business and Commerce Code, ch. 641 to forfeit all contraband used in commissioning the felony, and would define "contraband" to include real, personal, tangible, and intangible property used or intended to be used in the commission of such a felony.

The bill also would remove the requirement that lawful labeling of a recording must include the clear display of the name of the performer or group.

The bill would take effect September 1, 2017, and would apply only to an offense committed on or after that date.

SUPPORTERS SAY:

HB 2483 would provide a necessary modernization of the laws governing music piracy to adapt to the digital age. Current statute is unclear about the legality of selling unauthorized recordings on digital devices, but this method is a growing problem in Texas. Flea market vendors in this state recently have been discovered selling flash drives with thousands of pirated songs, profiting from stolen material while not paying local, state, or federal taxes.

The bill would enable restitution for music piracy, a serious crime which deprives artists and record labels of their earned profits and results in lost jobs. It is an economic crime that constitutes an actual financial loss, and injured parties should be able to recover for their losses.

The bill's restitution standards would not be overly punitive. Theft of copyrighted material is still theft, and current statute clearly states that parties must have intent to sell the stolen material to be convicted of an offense.

OPPONENTS SAY:

The bill's guidelines for restitution would be overly punitive for the relatively low-impact crime of music piracy. In addition to a $250,000 fine and five years in jail for sale of a flash drive with as few as 65 unauthorized songs on it, the bill would require courts to order restitution, including lawyers' fees. Current statute already allows injured parties to sue for copyright infringement, and the bill's additional punishment would be unnecessary.

NOTES:

A companion bill, SB 1343 by Hughes, was approved by the Senate on April 20.

SUBJECT: Requiring study on use of patient-reported outcomes registry

COMMITTEE: Pensions — favorable, without amendment

VOTE: 7 ayes — Flynn, Alonzo, Anchia, Hefner, Huberty, Paul, J. Rodriguez

0 nays

WITNESSES: For — Bobby Hillert, Texas Orthopaedic Association

Against — None

On — (*Registered, but did not testify*: Ken Welch, Teacher Retirement System)

BACKGROUND: Some observers say a patient-reported outcomes registry could benefit both the Teacher Retirement System of Texas (TRS) and the Employees Retirement System of Texas (ERS) by providing the retirement systems with data on which musculoskeletal treatments are most effective for various patient populations.

DIGEST: HB 1976 would require the Teacher Retirement System of Texas (TRS) and the Employees Retirement System of Texas (ERS) to conduct a joint study of the benefits and disadvantages of establishing a patient-reported outcomes registry for musculoskeletal care provided by ERS and TRS group health coverage plans. The study would:

- identify the most expensive musculoskeletal conditions and injuries for group health coverage plans;
- identify the percentage of the total cost for health care under TRS and ERS group coverage plans that is spent on those conditions and injuries;
- estimate the cost for TRS and ERS to establish and administer a patient-reported outcomes registry;
- evaluate potential benefits to TRS and ERS members of a patient-reported outcomes registry; and
- identify potential partners, such as medical schools in Texas, that

could assist TRS and ERS in establishing and administering a patient-reported outcomes registry.

TRS and ERS would have to report the results of the study to the lieutenant governor, House speaker, and the applicable House and Senate standing committees by December 1, 2018. The required study and report would expire on September 1, 2019.

The bill would take effect September 1, 2017.

NOTES:

A companion bill, SB 55 by Zaffirini, was reported favorably by the Senate State Affairs Committee on April 25 and placed on the Senate Intent Calendar for May 1.

SUBJECT: Allowing certain writ of mandamus against an associate judge

COMMITTEE: Judiciary and Civil Jurisprudence — favorable, without amendment

VOTE: 7 ayes — Smithee, Farrar, Gutierrez, Hernandez, Neave, Rinaldi, Schofield

1 nay — Murr

1 absent — Laubenberg

WITNESSES: For — Kelly Ausley-Flores, Texas Family Law Foundation (*Registered, but did not testify*: Amy Bresnen and Steve Bresnen, Texas Family Law Foundation)

Against — None

BACKGROUND: Government Code, sec. 22.221 allows a court of appeals to issue writs of mandamus against a judge of a district or county court in the court of appeals district.

Family Code, ch. 201, allows certain judges to appoint an associate judge to hear and decide certain cases related to family law.

DIGEST: HB 1480 would allow a court of appeals to issue writs of mandamus against an associate judge in the court of appeals district who was appointed by a judge under Family Code, ch. 201.

The bill would take effect September 1, 2017, and would apply only to a certain suits filed on or after that date.

SUPPORTERS SAY: HB 1480 would create another avenue through which a family law case could proceed through the courts, possibly increasing the speed and reducing the expense with which some cases are resolved. Under current law, parties must do a de novo appeal to the district judge under whom the associate judge operates, which can take months, and can only proceed after the associate judge has ruled. A writ of mandamus would allow

action before the proceedings with the associate judge have ended.

District judges already have authority and power over the decisions of an associate judge, through the current de novo appeals process. This would simply create a faster avenue through which a party could have a case heard.

OPPONENTS SAY:

HB 1480 improperly would remove authority over associate judges from the district judges to a court of appeals. District judges are most directly responsible for the appointment of associate judges and therefore should receive any appellate action.

NOTES:

A companion bill, SB 1233 by Rodríguez, was approved by the Senate on April 19.

SUBJECT: Prohibiting possession of improvised explosive devices

COMMITTEE: Criminal Jurisprudence — committee substitute recommended

VOTE: 7 ayes — Moody, Hunter, Canales, Gervin-Hawkins, Hefner, Lang, Wilson

0 nays

WITNESSES: For — Jason Countryman and Ellen Bedingfield, Houston Police Department; (*Registered, but did not testify*: Chas Moore, Austin Justice Coalition; Frederick Frazier, Dallas Police Association; Reuben Ramirez, Dallas Police Department; Clay Taylor, Department of Public Safety Officers Association; David Sinclair, Game Warden Peace Officers Association; Ray Hunt, Houston Police Officers' Union; Bill Elkin, Houston Police Retired Officers Association; Jesse Ozuna, City of Houston Mayor's Office; James Jones, San Antonio Police Department; Jimmy Rodriguez, San Antonio Police Officers Association; Buddy Mills, Ricky Scaman, and Micah Harmon, Sheriffs' Association of Texas; Monty Wynn, Texas Municipal League; Noel Johnson, Texas Municipal Police Association)

Against — Alice Tripp, Texas State Rifle Association; Mike Bush

BACKGROUND: Penal Code, sec. 46.05 prohibits certain weapons.

Some have called for the possession of improvised explosive devices to be banned regardless of whether the device was federally registered or classified as a curio or relic.

DIGEST: CSHB 913 would make intentionally or knowingly possessing, manufacturing, transporting, repairing, or selling an improvised explosive device a third-degree felony (two to 10 years in prison and an optional fine of up to $10,000).

The bill would define an improvised explosive device as a completed and operational bomb designed to cause serious bodily injury, death, or

substantial property damage that is fabricated with nonmilitary components. It would not include unassembled components that can be legally purchased and possessed without a license, permit or other governmental approval.

The bill would take effect September 1, 2017, and would apply only to an offense committed on or after the effective date.

SUBJECT: Requiring notification of cost overruns for state agency contracts

COMMITTEE: Appropriations — committee substitute recommended

VOTE: 22 ayes — Zerwas, Longoria, Ashby, Capriglione, Cosper, S. Davis, Dean, Gonzales, González, Howard, Koop, Miller, Perez, Phelan, Raney, Roberts, J. Rodriguez, Sheffield, Simmons, VanDeaver, Walle, Wu

0 nays

5 absent — G. Bonnen, Dukes, Giddings, Muñoz, Rose

WITNESSES: For — None

Against — None

On — Robert Wood, Comptroller of Public Accounts; (*Registered, but did not testify*: Amy Comeaux, Bobby Pounds, and Jette Withers, Comptroller of Public Accounts)

DIGEST: CSHB 579 would require state agencies to notify within 30 days the governor, lieutenant governor, House speaker, each member of the Legislature, the Legislative Budget Board (LBB), and the State Auditor's Office when the actual cost of a contract exceeds the original cost by $1 million or more.

The notice would be required to include:

- the amount of and reason for the excessive cost;
- any opportunity the agency had to reduce the cost or purchase the services from another vendor after learning of the overrun; and
- any other information the LBB deems relevant.

The LBB would be allowed to assess an enforcement mechanism against an agency that did not provide the required notice, increase the severity of those mechanisms for repeated violations, and dismiss those mechanisms upon successful corrective action. These enforcement mechanisms may

include:

- enhanced monitoring of the agency's contracts by LBB staff;
- required consultation with the comptroller's Contract Advisory Team or the Quality Assurance Team created by the comptroller, LBB, and the Department of Information Resources;
- targeted audits by SAO at the LBB's request;
- recommended cancellation of contracts with overruns exceeding $1 million.

The bill would take effect on September 1, 2017, and would apply only to a contract entered into on or after that date.

SUBJECT: Refunding bingo licensing and registration fees for denial, withdrawal

COMMITTEE: Licensing and Administrative Procedures — committee substitute recommended

VOTE: 6 ayes — Kuempel, Guillen, Goldman, Hernandez, Herrero, S. Thompson

3 absent — Frullo, Geren, Paddie

WITNESSES: For — Kimberly Kiplin, Conservative Texans for Charitable Bingo; Tom Stewart, Texas Charity Advocates; (*Registered, but did not testify*: Steve Bresnen, Bingo Interest Group; Roy Grona, Texas VFW)

On — (*Registered, but did not testify*: Alfonso Royal III, Texas Lottery Commission)

BACKGROUND: Occupations Code, ch. 2001 establishes the Bingo Enabling Act, which includes setting license fees for commercial lessors, manufacturers, distributors, and unit managers and others involved in bingo activities.

Sec. 2001.103 allows an authorized organization to receive a temporary license to conduct bingo by filing an application accompanied by a $25 license fee with the Texas Lottery Commission.

Some have noted that certain organizations and individuals involved in bingo, including nonprofits, are unable to receive a refund on bingo licensing and registration fees if they decide to withdraw their application, and this inability to receive a refund can pose a financial burden.

DIGEST: CSHB 446 would require a Texas Lottery Commission (TLC) to refund, on request, the $25 temporary bingo license fee if the organization withdrew the license application or had not used the license within the first year of its issuance. The license would have to be refunded within 30 days of TLC receiving the request. TLC could retain up to 50 percent of the fee to defray administration costs.

TLC would be required to refund the fee for initial or renewal licenses for

bingo conductors, commercial lessors, manufacturers, distributors, unit managers, or amending a license issued under the Bingo Enabling Act if an applicant withdrew an application before the license was issued or if the application was denied.

The bill also would require TLC to refund a fee submitted for an initial or renewal license for inclusion in the approved bingo workers registry if the applicant withdrew the application or had the application to be listed in the registry denied by TLC.

In each case, the refund would be due within 30 days of the request or TLC's denial of the application. TLC could retain an amount, which would be no more than 50 percent of the license fee for the registry and for amending a license, or the lesser of 50 percent of a fee or $150 for the other licenses, to defray administrative costs for processing the application.

The bill would take effect January 1, 2018, and would apply only to applications and fees submitted on or after the effective date.

NOTES:

A companion bill, SB 549 by Kolkhorst, was approved by the Senate on April 29.

The committee substitute differs from the bill as filed by changing the effective date from September 1, 2017, to January 1, 2018.

SUBJECT: Adding a new metric to the public school accountability system

COMMITTEE: Public Education — favorable, without amendment

VOTE: 11 ayes — Huberty, Bernal, Allen, Bohac, Deshotel, Dutton, Gooden, K. King, Koop, Meyer, VanDeaver

WITNESSES: For — Michael Hinojosa, Dallas ISD, Texas Urban Council; (*Registered, but did not testify*: Audrey Young, Apple Springs ISD Board of Trustees; Mark Wiggins, Association of Texas Professional Educators; Seth Rau, San Antonio ISD; Ted Melina Raab, Texas AFT (American Federation of Teachers); Courtney Boswell and Molly Weiner, Texas Aspires Foundation; Miranda Goodsheller, Texas Association of Business; Barry Haenisch, Texas Association of Community Schools; Casey McCreary, Texas Association of School Administrators; Grover Campbell, Texas Association of School Boards; Justin Yancy, Texas Business Leadership Council; Paige Williams, Texas Classroom Teachers Association; Janna Lilly, Texas Council of Administrators of Special Education; Mark Terry, Texas Elementary Principals and Supervisors Association; Ellen Arnold, Texas PTA; Colby Nichols, Texas Rural Education Association; Dee Carney, Texas School Alliance; Tami Keeling, Victoria ISD and Texas Association of School Boards; Danielle King)

Against — None

On — (*Registered, but did not testify*: Kara Belew and Shannon Housson, Texas Education Agency)

BACKGROUND: Education Code, sec. 39.053 establishes performance indicators of the quality of student learning and achievement under the state's public school accountability system. There are five domains of indicators of achievement. The fourth domain relates to postsecondary readiness.

Some Texas high schools help students earn associate degrees, and some parties have called for the state's accountability system to reflect their success in preparing students for postsecondary education.

DIGEST:

HB 1500 would include in the fourth domain of achievement indicators for evaluating the performance of public high schools and school districts under the state's accountability system the percentage of students who earn an associate degree.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2017, and would apply to beginning with the 2017-18 school year.